Parsadia vs. State of Rajasthan
(S.B.Criminal Revision No.148/93)

Dated:- 3.1.2007.

HON'BLE MR.JUSTICE G.S.SARRAF

Mr.P.N.Mohnani, for the petitioner.
Mr.S.N.Tiwari, Public Prosecutor for the State.

This is a revision petition against the judgment of Additional Sessions Judge, Bhilwara dated 12.5.1993 whereby the appeal of the petitioner against the judgment of Additional Munsif and Judicial Magistrate No.1, Bhilwara was partly accepted and instead of Sections 457 and 394 IPC, he was convicted u/s 457 and 380 IPC and under each of the two sections, he was sentenced to rigorous imprisonment for six months and a fine of Rs.100/- and in default of payment of the fine, he was further sentenced to 15 days simple imprisonment.

Mr.P.N.Mohnani, learned counsel for the petitioner does not challenge the judgment of the first appellate court on merits but he submits that the incident is of 30.6.1976 and no purpose will be served by sending the petitioner back in jail now at this stage. He, therefore, prays that a lenient view be taken in the matter.

Learned P.P. has supported the judgment of the first appellate court.

The incident is of 30.6.1976 and the petitioner has undergone a prolonged trial. Considering the submission of the learned counsel for the petitioner and taking into consideration all the facts and circumstances of the case, this revision petition is partly allowed. The conviction of the petitioner under Sections 457, 380 is upheld but the sentence passed against him is set aside and the petitioner is sentenced to imprisonment for a period already undergone by him.

The revision petition stands disposed of as above.

(G.S.SARRAF),J.